

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

JOHN W. SLAGLE,

Case No. 3:-08-cv-146

Petitioner,

-vs-

**District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz**

**COURT OF COMMON PLEAS OF
MONTGOMERY COUNTY, OHIO**

Respondent.

**ENTRY AND ORDER ADOPTING THE REPORT AND
RECOMMENDATIONS IN ITS ENTIRETY (Doc. #36); GRANTING
SLAGLE A CONDITIONAL WRIT OF HABEAS CORPUS AND
TERMINATING THIS CASE**

This matter is before the Court pursuant to Petitioner John W. Slagle's ("Slagle's") objections (doc. #38) to Magistrate Judge Merz's Report and Recommendations (doc. #36). This Report and Recommendations addresses Slagle's Petition for a Writ of Habeas Corpus. Respondent Court of Common Pleas of Montgomery County, Ohio, has responded to Slagle's Objections (doc. #39) and the matter is now ripe for decision.

The District Judge has made a de novo review of the record on this matter pursuant to 28 U.S.C. § 636(b) and Fed.R.Civ.P. 72(b). Upon consideration of the foregoing, the Court finds that Slagle's Objections are not well-taken and they are hereby **OVERRULED**. The Magistrate Judge's Report and Recommendations is **ADOPTED** in its entirety.

A Conditional Writ of Habeas Corpus is hereby issued to Slagle. Slagle shall be discharged from further responding to the Indictment unless the Common Pleas Court renders a

decision on the video record already created not later than 180 days from the date judgment is entered in this matter. The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

DONE and **ORDERED** in Dayton, Ohio, this Fifteenth day of September, 2009.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record